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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,358	01/31/2002	Hiroshi Furuyama	MAT-8224US	5337

7590 07/14/2005

RATNER AND PRESTIA  
Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge, PA 19482-0980

EXAMINER
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NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,358

Applicant(s)

FURUYAMA ET AL.

Examiner

Andrew L. Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/6/04, 1/31/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-37 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speir "Face verification: Visionics Corp.'s Facelt" in view of Braithwaite et al US Patent No. 6,299,306.
3. With regards to claim 1, Speir teaches a display unit for displaying input physical information of a user (Speir, page 1 paragraph 4, computer screen), and an authenticating unit for personally authenticating a previously registered user on the basis of the physical information (Speir, page 1 paragraph 5, face verification). Speir further teaches instructions to the user to designate a size and position of the physical information (Speir, page 1 paragraph 4, users are instructed), but fails to teach the display unit displaying the index. Braithwaite teaches the display unit displaying an index to designate a size and position of the physical information (Braithwaite, column 3 lines 1-35, arrow and indicia). At the time the invention was made, it would have been

Art Unit: 2134

obvious to a person of ordinary skill in the art to utilize Braithwaite's method of displaying an index with Speir's described face verification system because it offers the advantage of ensuring proper face orientation to provide a clearer picture (Braithwaite, column 3 lines 10-20). Examiner further notes that as currently presented, the limitation "whereby said display unit displays an index to designate a size and position of the physical information" fails to limit the claimed information terminal to a particular structure due to the use of a whereby clause. Clauses of this type suggest or make optional the limitations they provide and do not necessarily limit the scope of the presented claims (see MPEP 2106 II c). For the purposes of expedited prosecution Examiner has provided references teaching the cited limitation; however, Examiner suggests the limitation be amended to more positively recite the desired subject matter.

4. With regards to claim 2, Speir as modified teaches the physical information being one of a face image or a face imagine and voice of the user (Speir, page 1 paragraph 3).

5. With regards to claim 3, Speir as modified teaches the index defining any of the contour of the face or a position of both eyes (Braithwaite, column 3 lines 25-35).

6. With regards to claims 4-6, Speir as modified teaches an instructing unit to give an instruction to the user during inputting physical information (Speir, page 1 paragraph 4, users are instructed).

7. With regards to claims 7-9, Speir as modified teaches the instructing unit giving any of an instruction to give a wink, an instruction to change a body direction, an

Art Unit: 2134

instruction to move a face up or down or left and right and an instruction to move position (Speir, page 1 paragraph 4).

8. With regards to claims 11-15, Speir as modified teaches the information terminal being any of a PDA and portable personal computer having communication and a cell phone (Speir, page 1 paragraph 2).

9. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speir "Face verification: Visionics Corp.'s Facelt" and Braithwaite et al US Patent No. 6,299,306, as applied to claim 2 above, and in further view of Linford US Patent No. 5,687,259.

10. With regards to claim 10, Speir as modified fails to teach the face image being displayed through conversion to a mirror image. Linford teaches the face image being displayed through conversion to a mirror image (Linford, column 5 lines 50-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Linford's mirroring method with Speir as modified because it offers the advantage of making it easier to a user to position themselves on the monitor (Linford, column 5 lines 1-7).

11. With regards to claim 16, Speir as modified teaches the information terminal being any of a PDA and portable personal computer having communication and a cell phone (Speir, page 1 paragraph 2).

Art Unit: 2134

12. Claims 17-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speir "Face verification: Visionics Corp.'s Facelt" in view of Braithwaite et al US Patent No. 6,299,306 and McCoy et al US Patent No. 6,018,739.

13. With regards to claim 17, Speir and Braithwaite teach everything described above but fail to teach a registering server having a learning unit for registering the physical information inputted from the information terminal apparatus through a communication network to a database and learning a discriminating function on each person from the physical information and each piece of already registered physical information in a database. McCoy teaches a registering server having a learning unit for registering the physical information inputted from the information terminal apparatus through a communication network to a database and learning a discriminating function on each person from the physical information and each piece of already registered physical information in a database (McCoy, column 2 lines 42-67) and a system managing unit for managing the physical information, the discriminating function, and an ID (McCoy, column 2 lines 42-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize McCoy's registering server with Speir as modified because it offers the advantage of providing a distributed system for biometric authentication that is available to a large number of clients spread across a large geographic area (McCoy, column 1 lines 28-61).

14. With regards to claims 18, Speir as modified teaches the physical information being one of a face image or a face imagine and voice of the user (Speir, page 1 paragraph 3).

Art Unit: 2134

15. With regards to claim 19, Speir as modified teaches the index defining any of the contour of the face or a position of both eyes (Braithwaite, column 3 lines 25-35).

16. With regards to claim 20, Speir as modified teaches an instructing unit to give an instruction to the user during inputting physical information (Speir, page 1 paragraph 4, users are instructed).

17. With regards to claim 21, Speir as modified teaches the instructing unit giving any of an instruction to give a wink, an instruction to change a body direction, an instruction to move a face up or down or left and right and an instruction to move position (Speir, page 1 paragraph 4).

18. With regards to claim 23, Speir as modified teaches the information terminal being any of a PDA and portable personal computer having communication and a cell phone (Speir, page 1 paragraph 2).

19. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Speir "Face verification: Visionics Corp.'s Facelt", Braithwaite et al US Patent No. 6,299,306 and McCoy et al US Patent No. 6,018,739, as applied to claim 18 above, and in further view of Linford US Patent No. 5,687,259.

20. With regards to claim 22, Speir as modified fails to teach the face image being displayed through conversion to a mirror image. Linford teaches the face image being displayed through conversion to a mirror image (Linford, column 5 lines 50-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Linford's mirroring method with Speir as modified because it offers the

Art Unit: 2134

advantage of making it easier to a user to position themselves on the monitor (Linford, column 5 lines 1-7).

21. Claims 24-28, 30-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speir "Face verification: Visionics Corp.'s Facelt", Braithwaite et al US Patent No. 6,299,306, and McCoy et al US Patent No. 6,018,739, as applied to claim 17 above, and in further view of Mann et al US Patent No. 6,119,096.

22. With regards to claim 24-28 and 30, Speir as modified fails to teach the physical information of the user being updated at a constant interval. Mann teaches the physical information of the user being updated at a constant interval (Mann, column 6 lines 28-45). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Mann's update method with Speir as modified because it offers the advantage of ensuring that biometric templates are up to date to ensure proper authentication.

23. With regards to claims 31-35 and 37, Speir as modified teaches the registering server prompting each of the information terminal apparatus to update the physical information of a person at a constant time interval (Mann, column 6 lines 35-41).

24. Claims 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speir "Face verification: Visionics Corp.'s Facelt", Braithwaite et al US Patent No. 6,299,306, McCoy et al US Patent No. 6,018,739, and Linford US Patent No. 5,687,259,

as applied to claim 22 above, and in further view of Mann et al US Patent No. 6,119,096.

25. With regards to claim 29, Speir as modified fails to teach the physical information of the user being updated at a constant interval. Mann teaches the physical information of the user being updated at a constant interval (Mann, column 6 lines 28-45). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Mann's update method with Speir as modified because it offers the advantage of ensuring that biometric templates are up to date to ensure proper authentication.

26. With regards to claims 36, Speir as modified teaches the registering server prompting each of the information terminal apparatus to update the physical information of a person at a constant time interval (Mann, column 6 lines 35-41).

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. Mastrianni et al US PGPub 2002/0114519 discloses a method for providing for application launch by identifying a user via a digital camera, utilizing an edge detection algorithm. Mastrianni's method includes face authentication using a camera, monitor, and instructions to the user indicating how to position themselves for the camera.

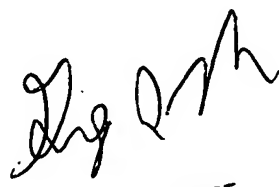
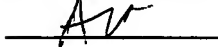
Art Unit: 2134

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100